

01  
02  
03  
04  
05  
06  
07  
08 UNITED STATES DISTRICT COURT  
09 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 UNITED STATES OF AMERICA, ) Case No. 05-267M  
12 )  
13 Plaintiff, )  
14 ) ORDER DENYING  
15 v. ) STIPULATED MOTION  
16 ) TO EXTEND TIME  
17 ARBEY RIVERA-GUILLEN, )  
18 )  
19 Defendant. )  
20 \_\_\_\_\_ )


21 On June 28, 2005, the parties to the above-captioned matter filed a Stipulated Motion  
22 to Extend Time to File Indictment. Dkt. No. 9. The motion argued that granting a  
23 continuance would satisfy the “ends of justice” by providing the parties additional time to  
24 prepare for their case. Dkt. No. 9. In addition, the defendant’s Waiver of Right to a Speedy  
25 Indictment indicates that ongoing plea negotiations are also a reason for the requested  
26 continuance. Dkt. No. 9 (Exhibit).

27 Congress, however, “did not intend the ‘ends of justice’ exclusion to be granted as a  
28 matter of course but rather [intended it] to be used sparingly and only when necessary.”  
29 *United States v. Lewis*, 980 F.2d 555, 560 (9th Cir. 1992) (internal citations omitted). Hence,  
30 an “ends of justice” exclusion may be granted only for a specific duration when “justified by

01 the record with reference to the facts.” *United States v. Ramirez-Cortez*, 213 F.3d 1149, 1154  
02 (9th Cir. 1999) (internal citations and punctuation omitted). Generalized assertions that the  
03 “ends of justice” will be satisfied by the granting of a continuance are insufficient. *Id.* at 1154-  
04 55.

05 Here, the parties have provided no evidence, nor adduced any facts from the record  
06 sufficient to justify granting a continuance. Rather, they have simply alleged, without  
07 explaining in reference to specific facts, that more time would enable them to prepare more  
08 thoroughly. These reasons are insufficient to justify a continuance. Moreover, an ongoing  
09 plea agreement negotiation is not a factor sufficient for this Court to find that granting a  
10 continuance will satisfy the “ends of justice.” *Id.* at 1155-56 (citing *United States v. Perez-*  
11 *Revels*, 715 F.2d 1348, 1352 (9th Cir. 1983)). The parties’ motion is therefore DENIED.

12 DATED this 28th day of June, 2005.

13  
14   
15 JAMES P. DONOHUE  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26